

Disclaimer:

The rules on this page are provided for the convenience of interested parties. While DES has taken care with the accuracy of the files accessible here, they are not necessarily the "official" administrative rules of the N.H. Department of Environmental Services. Administrative rules are periodically revised and readopted. Although every effort is made to see that the rules on this page are the most current versions available, some lapse in time may occur between adoption and the electronic posting of new rules or other files which may alter the meaning or context of those files. An "official" hard copy of all DES-related rules may be obtained from the DES Public Information and Permitting office, (603) 271-2975.

[New Hampshire Code of Administrative Rules](#)
[Env-Ws 1600](#)

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Env-Ws 1600

Septage Management

TABLE OF CONTENTS

CHAPTER Env-Ws 1600 SEPTAGE MANAGEMENT Page

PART Env-Ws 1601 PURPOSE AND APPLICABILITY

Section Env-Ws 1601.01 Purpose	1
Section Env-Ws 1601.02 Applicability	1
Section Env-Ws 1601.03 Co-Disposal of Wastes	1

PART Env-Ws 1602 DEFINITIONS

Section Env-Ws 1602.01 Abutter	1
Section Env-Ws 1602.02 Ambient Groundwater Quality Standards	2
Section Env-Ws 1602.03 Applicant	2
Section Env-Ws 1602.04 Beneficial Use	2
Section Env-Ws 1602.05 Closure	2
Section Env-Ws 1602.06 CFR	2
Section Env-Ws 1602.07 Council	2
Section Env-Ws 1602.08 Department	2
Section Env-Ws 1602.09 Disposal	2
Section Env-Ws 1602.10 Facility	2
Section Env-Ws 1602.11 Governing Body	3
Section Env-Ws 1602.12 Hauler	3
Section Env-Ws 1602.13 Industrial Wastewater	3
Section Env-Ws 1602.14 Lagoon	3
Section Env-Ws 1602.15 Land Application	3
Section Env-Ws 1602.16 Locally Accessible Place	3
Section Env-Ws 1602.17 Management or Manage	3
Section Env-Ws 1602.18 Operator	3
Section Env-Ws 1602.19 Owner	3
Section Env-Ws 1602.20 Permit	3
Section Env-Ws 1602.21 Permit Holder	3
Section Env-Ws 1602.22 Person	4
Section Env-Ws 1602.23 Poorly Drained	4
Section Env-Ws 1602.24 Processing	4
Section Env-Ws 1602.25 Reclamation	4
Section Env-Ws 1602.26 Septage	4
Section Env-Ws 1602.27 Septage Holding Tank	4
Section Env-Ws 1602.28 Septage Storage Tank	4
Section Env-Ws 1602.29 Site	4
Section Env-Ws 1602.30 Storage	4
Section Env-Ws 1602.31 Surface Waters	5
Section Env-Ws 1602.32 Transfer	5
Section Env-Ws 1602.33 Transfer Station	5
Section Env-Ws 1602.34 Vector	5
Section Env-Ws 1602.35 Very Poorly Drained	5
Section Env-Ws 1602.36 Wastewater Treatment Facility	5

TABLE OF CONTENTS

PART Env-Ws 1603 REQUIREMENTS FOR NOTIFICATION

Section Env-Ws 1603.01 Notification Requirements for Site and Facility Permit Applications	6
Section Env-Ws 1603.02 Annual Notification Requirements for Land Application	7

PART Env-Ws 1604 REQUIREMENTS FOR PERMITS

Section Env-Ws 1604.01 Septage Hauler Permits Required	7
Section Env-Ws 1604.02 Site and Facility Permits Required	7
Section Env-Ws 1604.03 Septage Holding Tank Registration Required	9
Section Env-Ws 1604.04 Permit Application Review	9
Section Env-Ws 1604.05 Suspension, Revocation or Refusal to Renew	11
Section Env-Ws 1604.06 Permit Transfer	12
Section Env-Ws 1604.07 Transfer of Land Ownership	12
Section Env-Ws 1604.08 Modification of Site or Facility Permits	13

PART Env-Ws 1605 SEPTAGE HAULER PERMITS

Section Env-Ws 1605.01 Septage Hauler Permit Applications	14
Section Env-Ws 1605.02 Expiration of Septage Hauler Permits	15
Section Env-Ws 1605.03 Renewal of Septage Hauler Permits	15
Section Env-Ws 1605.04 Septage Hauler Permit Fee	15
Section Env-Ws 1605.05 Criteria for Review	16
Section Env-Ws 1605.06 Vehicle Identification	16
Section Env-Ws 1605.07 Vehicle and Tank Maintenance	16
Section Env-Ws 1605.08 Transportation of Septage	17
Section Env-Ws 1605.09 Change of Vehicles	17
Section Env-Ws 1605.10 Record Keeping	17
Section Env-Ws 1605.11 Reporting	18
Section Env-Ws 1605.12 Accidental Release	18

PART Env-Ws 1606 SEPTAGE HOLDING TANKS

Section Env-Ws 1606.01 Use of Septage Holding Tanks	19
Section Env-Ws 1606.02 Registration	19
Section Env-Ws 1606.03 Plans and Specifications	19
Section Env-Ws 1606.04 Design Criteria	20

PART Env-Ws 1607 SITE PERMIT REQUIREMENTS

Section Env-Ws 1607.01 Site Permit Applications	20
Section Env-Ws 1607.02 Expiration of Site Permits	22
Section Env-Ws 1607.03 Renewal of Site Permits	22
Section Env-Ws 1607.04 Site Permit Fees	22
Section Env-Ws 1607.05 Criteria for Review	22
Section Env-Ws 1607.06 Site Plans	23
Section Env-Ws 1607.07 Management Plans	24
Section Env-Ws 1607.08 Land Application Standards	25
Section Env-Ws 1607.09 Required Buffer Distances For Land Application	26

TABLE OF CONTENTS

Section Env-Ws 1607.10	Septage Storage	26
Section Env-Ws 1607.11	Testing	27
Section Env-Ws 1607.12	Record Keeping	28
Section Env-Ws 1607.13	Reporting	28
 PART Env-Ws 1608 FACILITY PERMIT REQUIREMENTS		
Section Env-Ws 1608.01	Facility Permit Applications	29
Section Env-Ws 1608.02	Expiration of Facility Permits	30
Section Env-Ws 1608.03	Renewal of Facility Permits	30
Section Env-Ws 1608.04	Facility Permit Fees	31
Section Env-Ws 1608.05	Criteria for Review	31
Section Env-Ws 1608.06	Facility Plans	31
Section Env-Ws 1608.07	Management Plans	32
Section Env-Ws 1608.08	Facility Standards	33
Section Env-Ws 1608.09	Closure Plans	35
Section Env-Ws 1608.10	Testing	36
Section Env-Ws 1608.11	Record Keeping	36
Section Env-Ws 1608.12	Reporting	37
 PART Env-Ws 1609 GROUNDWATER MONITORING		
Section Env-Ws 1609.01	Applicability	37
Section Env-Ws 1609.02	Groundwater Monitoring Plan Requirements	38
Section Env-Ws 1609.03	Corrective Action Plan	38
Section Env-Ws 1609.04	Water Quality Sampling, Analysis, and Reporting	39
Section Env-Ws 1609.05	Groundwater Monitoring Wells	40
 PART Env-Ws 1610 REQUIREMENTS FOR WAIVERS		
Section Env-Ws 1610.01	Requirements for Waivers	40

CHAPTER Env-Ws 1600 SEPTAGE MANAGEMENT

Statutory Authority: RSA 485-A:4, XVI-a; RSA 485-A:6, X-a

PART Env-Ws 1601 PURPOSE AND APPLICABILITY

Env-Ws 1601.01 Purpose. These rules establish standards, criteria, and procedures for a permit system to manage the removal, transportation, and disposal of septage in order to protect human health and the environment and to encourage beneficial reuse and recycling of septage with appropriate performance standards.

Source. #6991, eff 5-5-99

Env-Ws 1601.02 Applicability.

(a) These rules shall govern:

- (1) The processing and storage of septage;
- (2) The land application of septage; and
- (3) The removal and transportation of septage.

(b) These rules shall not apply to any septage management activity(ies) incidental to the operation of a wastewater treatment facility for which a surface water or a groundwater discharge permit has been issued by the department under RSA 485-A:13.

(c) Nothing in these rules shall be construed to modify or lessen the powers conferred upon local authorities by health and land use enabling statutes.

(d) Nothing in these rules shall be construed to eliminate the need to also comply with the federal regulations as specified in 40 CFR Part 503.

(e) In addition to obtaining a permit, in accordance with these rules, unlined lagoons or unlined monofills shall also be required to obtain a groundwater discharge permit.

Source. #6991, eff 5-5-99

Env-Ws 1601.03 Co-Disposal of Wastes. Hazardous waste, as defined in RSA 147-A, and solid waste as defined in RSA 149-M, except for wood ash certified for use under Env-Wm 3400 and waste derived products certified for use under Env-Wm 3200, shall not be disposed or processed at a site or facility permitted by these rules.

Source. #6991, eff 5-5-99

PART Env-Ws 1602 DEFINITIONS

Env-Ws 1602.01 "Abutter" means any person who owns property adjacent to, or across a road, railroad bed, or stream from the property on which a septage management activity will be conducted.

Source. #6991, eff 5-5-99

Env-Ws 1602.02 "Ambient groundwater quality standards" means "ambient groundwater quality standards" as defined in RSA 485-C:2, I, namely "maximum concentration levels for regulated contaminants in groundwater which result from human operations or activities, as delineated in RSA 485-C:6."

Source. #6991, eff 5-5-99

Env-Ws 1602.03 "Applicant" means any person who applies to the department for a permit.

Source. #6991, eff 5-5-99

Env-Ws 1602.04 "Beneficial use" means taking advantage of the nutrient content and/or soil conditioning properties of septage by supplying agronomic or soil conditioning benefits such as the nitrogen, phosphorus, micronutrients, or organic matter needs for:

- (a) A crop;
- (b) Forested land; or
- (c) Establishing a vegetative cover for reclamation sites.

Source. #6991, eff 5-5-99

Env-Ws 1602.05 "Closure" means the procedures used to cease the use of a facility, or a portion thereof, in a manner that will minimize future risks of environmental damage and includes all required post-closure inspection, monitoring, and maintenance activities.

Source. #6991, eff 5-5-99

Env-Ws 1602.06 "CFR" means the code of federal regulations published by the office of the federal register national archives and records administration.

Source. #6991, eff 5-5-99

Env-Ws 1602.07 "Council" means the water council established by RSA 21-O:7.

Source. #6991, eff 5-5-99

Env-Ws 1602.08 "Department" means the department of environmental services.

Source. #6991, eff 5-5-99

Env-Ws 1602.09 "Disposal" means the final discharge, deposit, injection, or dumping, spilling, leaking, incinerating, or placing of septage into or onto any land so that such septage or any constituent thereof may enter the environment, be emitted into the air, or be discharged into any surface water or groundwater. Disposal includes land application.

Source. #6991, eff 5-5-99

Env-Ws 1602.10 "Facility" means a location or system for storing septage or for the processing, treatment, or disposal of septage, other than land application. Facilities include, but are not limited to, lagoons, septage treatment facilities, transfer stations, and sites where septage is treated or mixed with other septage or other material for shipment off site. Facilities do not include septage holding tanks.

Source. #6991, eff 5-5-99

Env-Ws 1602.11 "Governing body" means the board of selectmen in a town, the board of aldermen or council in a city or town with a town council, or when used to refer to unincorporated towns or unorganized places, or both, and the county commissioners.

Source. #6991, eff 5-5-99

Env-Ws 1602.12 "Hauler" means any person engaged in the removal or transportation of septage.

Source. #6991, eff 5-5-99

Env-Ws 1602.13 "Industrial wastewater" means wastewater generated from a commercial or industrial process.

Source. #6991, eff 5-5-99

Env-Ws 1602.14 "Lagoon" means a pit or excavation designed to receive septage.

Source. #6991, eff 5-5-99

Env-Ws 1602.15 "Land application" means the placement of septage on the ground surface for beneficial use, whether or not the material is incorporated or injected into the surface soil.

Source. #6991, eff 5-5-99

Env-Ws 1602.16 "Locally accessible place" means a location, in the town or municipality where the septage management activity is proposed, that has public access. The term include(s) the town hall, school building, selectmen's office or the public library.

Source. #6991, eff 5-5-99

Env-Ws 1602.17 "Management" or "manage" means the practice of supervising, controlling, or undertaking any septage activity(ies) regulated under these rules, including transporting, land applying, stockpiling, treating, processing or otherwise disposing.

Source. #6991, eff 5-5-99

Env-Ws 1602.18 "Operator" means the person responsible for managing the septage activity(ies) at a site or facility.

Source. #6991, eff 5-5-99

Env-Ws 1602.19 "Owner" means the person who holds title to the land on which septage is managed or is proposed to be managed.

Source. #6991, eff 5-5-99

Env-Ws 1602.20 "Permit" means the written document issued by the department which authorizes the holder to manage the site or facility or to use the identified tank and vehicle to remove and transport septage according to the terms of the document.

Source. #6991, eff 5-5-99

Env-Ws 1602.21 "Permit holder" means the person to whom a permit has been issued by the department.

Source. #6991, eff 5-5-99

Env-Ws 1602.22 "Person" means "person" as defined by RSA 485-A:2,IX, namely, "any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity."

Source. #6991, eff 5-5-99

Env-Ws 1602.23 "Poorly drained" means a type of soil where water is removed so slowly that the soil is wet at shallow depths periodically during the growing season or remains wet for long periods. The occurrence of internal free water is shallow or very shallow and common or persistent. Free water is commonly at or near the surface long enough during the growing season so that most mesophytic crops cannot be grown, unless the soil is artificially drained. The soil is not continuously wet directly below plow depth.

Source. #6991, eff 5-5-99

Env-Ws 1602.24 "Processing" means any activity to reduce the volume of septage or alter its chemical, biological, or physical state through methods such as thermal treatment, composting, blending, and pH adjustment. Processing does not include pH adjustment of septage for odor control or pathogen reduction, or screening to remove plastics and other foreign objects or dewatering of septage at its source.

Source. #6991, eff 5-5-99

Env-Ws 1602.25 "Reclamation" means the addition of organic matter and nutrients to improve and/or promote establishment of vegetation on soils which have been severely disturbed or which are in a poor vegetative state.

Source. #6991, eff 5-5-99

Env-Ws 1602.26 "Septage" means "septage" as defined by RSA 485-A:2,IX-a, namely "material removed from septic tanks, cesspools, holding tanks, or other sewage treatment storage units, excluding sewage sludge from public treatment works and industrial waste and any other sludge." Septage includes material from septage lagoons.

Source. #6991, eff 5-5-99

Env-Ws 1602.27 "Septage holding tank" means a sealed tank, used for temporary storage of septage for 7 consecutive days or less.

Source. #6991, eff 5-5-99

Env-Ws 1602.28 "Septage storage tank" means a sealed tank used for the storage of septage for longer than 7 consecutive days.

Source. #6991, eff 5-5-99

Env-Ws 1602.29 "Site" means contiguous land area(s) owned by the same person, on which septage is land applied, even if the land area is divided by a highway, rail bed, water body or boundary of a political subdivision.

Source. #6991, eff 5-5-99

Env-Ws 1602.30 "Storage" means the placement of septage in or on land.

Source. #6991, eff 5-5-99

Env-Ws 1602.31 "Surface waters" means "surface waters of the state" as defined by RSA 485-A:2, XIV, namely "streams, lakes, ponds and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, water courses and other bodies of water, natural or artificial." Surface waters include wetlands but do not include non-tidal drainage ditches which were designed, built, and used to convey wastewater or stormwater. It also does not include constructed wetlands, lagoons, and other treatment systems designed and built solely as wastewater or stormwater treatment systems.

Source. #6991, eff 5-5-99

Env-Ws 1602.32 "Transfer" means:

- (a) The conveyance of a fee simple interest in real estate; or
- (b) A change in the ownership or operational control of a person holding a permit, or a change in an individual holding a permit as follows:
 - (1) For a partnership, a change in the majority of general partners;
 - (2) For a corporation, the conveyance of all corporate assets or of a majority of voting shares to a new person;
 - (3) For other organizations, a transfer of the control of the organization to a new person; and
 - (4) For an individual, transfer of control to another person.

Source. #6991, eff 5-5-99

Env-Ws 1602.33 "Transfer station" means a facility which receives septage from more than one permitted hauler, for collection and subsequent removal to another permitted site or facility without processing.

Source. #6991, eff 5-5-99

Env-Ws 1602.34 "Vector" means a carrier that is capable of transmitting a pathogen from one organism to another, including but not limited to flies and other insects, rodents, birds, and other vermin.

Source. #6991, eff 5-5-99

Env-Ws 1602.35 "Very poorly drained" means a type of soil where water is removed from the soil so slowly that free water remains at or very near the ground surface during much of the growing season. The occurrence of internal free water is very shallow and persistent or permanent. Unless the soil is artificially drained, most mesophytic crops cannot be grown. The soils are commonly level or depressed and frequently ponded. If rainfall is high or nearly continuous, slope gradients could be greater.

Source. #6991, eff 5-5-99

Env-Ws 1602.36 "Wastewater treatment facility" means a plant or group of devices provided for:

- (a) The treatment of domestic or industrial wastewater, or both;
- (b) The treatment of septage;
- (c) The dewatering of septage; or

- (d) Any combination of (a) through (c) above.

Source. #6991, eff 5-5-99

PART Env-Ws 1603 REQUIREMENTS FOR NOTIFICATION

Env-Ws 1603.01 Notification Requirements for Site and Facility Permit Applications.

(a) The applicant shall provide notice in accordance with this section upon filing an application with the department for a site or facility permit.

(b) The notice shall be provided to:

- (1) The governing body of the municipality in which the proposed site or facility is located and the governing body of any adjacent municipality in which an abutter is located;
- (2) All abutters to the proposed site or facility as such abutters and their respective legal mailing addresses are identified in the municipal tax records as of the close of business on the day before the date on which notice is provided;
- (3) All other landowners within 500 feet of the area on which the activity will occur as such landowners and their respective mailing addresses are identified in the municipal tax records as of the close of business on the day before the date on which notice is provided; and
- (4) The department.

(c) The notice shall be:

- (1) In writing; and
- (2) Delivered by one of the following methods:
 - a. Sent by certified mail, return receipt requested;
 - b. Delivered by hand, in which case a signed acknowledgment from the recipient that the notice was received shall be obtained; or
 - c. Sent by first class mail, in which case a certificate of mailing shall be obtained from the United States post office at which the notices were mailed.

(d) The notice shall contain the following information:

- (1) A statement that an application for a site or facility permit, as applicable, has been filed and the type of septage management activity regulated by Env-Ws 1600 that is proposed;
- (2) The identification of the proposed site or facility, as applicable, including street address and municipality;
- (3) The names, addresses, and telephone numbers of:
 - a. The applicant;
 - b. The operator at the site or facility; and
 - c. The owner and the lessee, if the land is leased;
- (4) The estimated annual volume of septage, in gallons, to be received at the site or facility;

- (5) The proposed dates of commencement and cessation of the activity;
- (6) The identification of the locally accessible place where the application and all supporting information, as required under Env-Ws 1607.01 for site permits and under Env-Ws 1608.01 for facility permits, are available for review; and
- (7) A statement that a local public hearing will be advertised by the department in a newspaper of local circulation and that the department shall hold the public hearing once it has deemed an application to be complete.

(e) If a person to whom notice is required to be given cannot be located, fails or refuses to sign for the certified mail and/or refuses to sign an acknowledgment when the notice is delivered in hand, the person giving the notice shall provide proof to the department that an attempt to deliver the notice was made, which proof shall be in the form of an affidavit, or a copy of the certificate of mailing submitted to the department prior to the public hearing.

Source. #6991, eff 5-5-99

Env-Ws 1603.02 Annual Notification Requirements for Land Application.

(a) A person who will be land applying septage shall provide notice in accordance with this section at least 14 days before the intended date of the first annual land application of septage.

(b) The notice shall be published in a newspaper of general circulation in the municipality where the land application of septage will occur and shall include the information required in Env-Ws 1603.01(d)(2), (3),(5) and (6).

(c) A copy of the notice shall be posted continually at the entrances to the site beginning no later than 3 days prior to the application and ending no earlier than 3 days after the application.

Source. #6991, eff 5-5-99

PART Env-Ws 1604 REQUIREMENTS FOR PERMITS

Env-Ws 1604.01 Septage Hauler Permits Required.

(a) Except as provided in (b) below, no person shall transport septage on public roads without first obtaining a septage hauler permit from the department.

(b) A septage hauler permit shall not be required for the interstate transportation of any septage which is not generated, processed, transferred, stored, used, or disposed of in New Hampshire.

Source. #6991, eff 5-5-99

Env-Ws 1604.02 Site and Facility Permits Required.

(a) No person shall manage septage at any place which does not have:

- (1) A site or facility permit issued in accordance with Env-Ws 800 or Env-Ws 1600;
- (2) A wastewater treatment facility permit or groundwater permit issued under RSA 485-A:13; or
- (3) A solid waste facility permit issued under RSA 149-M.

(b) No person shall land apply septage without first obtaining a site permit from the department pursuant to Env-Ws 1607.

(c) Any person land applying or storing septage at a site permitted under Env-Ws 800 shall comply with all applicable provisions of Env-Ws 1600 other than notification requirements by the end of the permit term.

(d) Except as provided in (e) below, a facility permit shall be required for:

- (1) The processing, treatment, or disposal, other than land application, of septage;
- (2) All septage mixing sites where the resultant septage is to be used off-site;
- (3) All sites where septage will be stored in a septage storage tank;
- (4) The construction, operation, and closure of septage lagoons; and
- (5) The construction, operation, and closure of transfer stations.

(e) A facility permit shall not be required for:

- (1) Alkaline stabilization of septage within a permitted septage hauling vehicle or at a site permitted for septage land application;
- (2) Screening of septage at a site permitted for septage land application;
- (3) A septage holding tank; or
- (4) Dewatering of septage at its source.

(f) Any person operating an existing facility without a valid permit pursuant to (a) above, shall:

- (1) Within 90 days from the effective date of the 1999 amendments to Env-Ws 800, comply with all applicable provisions of Env-Ws 1600, other than notification and permitting requirements;
- (2) Within 90 days of the effective date of the 1999 amendments to Env-Ws 800, submit facility plans and management plans to the department for approval;
- (3) Within 120 days of the effective date of the 1999 amendments to Env-Ws 800, submit a closure plan to the department for approval; and
- (4) Within 180 days of the effective date of the 1999 amendments to Env-Ws 800, submit a facility permit application. If a permit is not sought or is denied, all septage management activities shall cease and all material shall be removed from the facility and the facility shall be closed in accordance with Env-Ws 1608.09.

(g) Any person owning land on which an inactive facility is located, which does not have a valid groundwater permit, shall:

- (1) Within 90 days of the effective date of the 1999 amendments to Env-Ws 800, submit a closure plan to the department for approval; and
- (2) Within 180 days of the department's approval, close the facility in accordance with the approved closure plan.

(h) The permit holder of a groundwater permit for an existing facility, obtained in accordance with (a)(2) above, shall:

- (1) Comply with all applicable provisions of Env-Ws 1600, other than notification requirements, by the end of the groundwater permit term; and
- (2) Within 90 days of the effective date of the 1999 amendments to Env-Ws 800, submit a closure plan to the department for approval.

Source. #6991, eff 5-5-99; amd by #7344, eff 8-16-00

Env-Ws 1604.03 Septage Holding Tank Registration Required. No person shall hold septage in any septage holding tank which has not been registered in accordance with these rules.

Source. #6991, eff 5-5-99

Env-Ws 1604.04 Permit Application Review.

(a) Within 30 days of receipt of an application for a site permit, a facility permit, or a permit modification pursuant to Env-Ws 1604.08(f), the department shall determine whether the application is complete.

(b) Upon determination by the department that a site or facility application or permit modification pursuant to Env-Ws 1604.08(f) is not complete, the department shall provide written notice to the applicant identifying the deficiencies that caused the application to be deemed incomplete.

(c) Upon determination by the department that a site or facility permit application, or a permit modification pursuant to Env-Ws 1604.08(f) is complete, the department shall:

- (1) Provide written notice to the applicant and the governing body of the municipality(ies) which received notice pursuant to Env-Ws 1603.01(b)(1);
 - (2) Provide notice of a public hearing and comment period for the pending permit application in a newspaper of local circulation;
 - (3) Schedule and hold the hearing no sooner than 30 days after the publication of the notice in (2) above, in the municipality in which the activity is proposed to occur; and
 - (4) Conduct the hearing in accordance with Env-C 203 and (e) below.
- (d) The newspaper notice shall contain the following information:
- (1) The name and mailing address of the applicant;
 - (2) The location, date and the time of the public hearing;
 - (3) The locally accessible place where the application can be reviewed;
 - (4) The name, address, and telephone number of the person in the department receiving comments;
 - (5) The type of activity to be conducted;
 - (6) The proposed location of the site or facility;
 - (7) The name of the owner; and

- (8) The deadline for submission of written comments.
- (e) At the hearing:
- (1) The applicant shall:
- a. Make available 3 copies of the application, site plan, management plan, and if applicable, the facility plan, the groundwater monitoring plan and the closure plan for the public to review;
 - b. Make a presentation to the public, summarizing all the information required in the application, the site plan, the management plan, and, if applicable, the facility plan, the groundwater monitoring plan, and the closure plan; and
 - c. Respond to all questions concerning the proposed septage management activity.
- (2) After the applicant has responded to all questions concerning the proposed activity, the department shall:
- a. Receive public comment on the application and supporting information as to its accuracy and completeness; and
 - b. Receive all other public comments.
- (f) The department shall allow 15 days from the date of the hearing to receive written comments.
- (g) Subject to (h) below, within 120 days of receipt of a complete application, the department shall issue or deny the permit modification, the site or facility permit based on the criteria specified in Env-Ws 1604.08, Env-Ws 1607.05, or Env-Ws 1608.05, as applicable, and shall send written notice of its decision to the applicant and to the governing body of the municipality(ies) to which the notice was sent pursuant to Env-Ws 1603.01(b)(1).
- (h) The department shall notify the applicant that the time spent waiting for the applicant to provide any requested information shall not be included when calculating the 120 days in (g) above.
- (i) If the information submitted with any complete application is insufficient for the department to make determination that the proposed activity will comply with the applicable requirements of RSA 485-A and these rules, the person proposing to undertake the activity shall provide such additional information as the department determines is necessary to make the determination. If the additional information is not submitted within 60 days of the department's request, the application shall be denied.
- (j) If site-specific conditions or limitations are necessary to protect public health or safety, or the environment, the department shall include such conditions or limitations in the site or facility permit that is issued.
- (k) If a permit modification pursuant to Env-Ws 1604.08(f), or a site or facility permit is denied, the department shall provide written notification to the applicant and, in the case of a permit modification or a site or facility permit application, the municipality identified in Env-Ws 1603.01(b)(1) noting the appropriate sections of the rules and stating the specific reasons for the denial, and shall inform the applicant that the decision may be appealed to the water council in accordance with RSA 21-O:7.

Source. #6991, eff 5-5-99; amd by #7344, eff 8-16-00

Env-Ws 1604.05 Suspension, Revocation or Refusal to Renew.

(a) If after issuing a permit the department receives information which indicates that good cause, as set forth in (f) below, exists to suspend or revoke the permit or registration, the department shall proceed in accordance with Env-C 200.

(b) After proceeding in accordance with Env-C 200, the department shall revoke the permit or registration if the department determines that the reason that good cause exists cannot be corrected to conform to applicable requirements.

(c) After proceeding in accordance with Env-C 200, the department shall suspend the permit or registration, subject to (d) below, if the department determines that, while good cause exists, the reason that good cause exists can be corrected to conform to applicable requirements.

(d) If a permit or registration is suspended pursuant to (c) above, the department shall not reinstate the permit or registration until:

(1) The reason for good cause has been corrected to conform with applicable requirements; and

(2) The permittee submits a written request to the department requesting that the permit or registration be reinstated.

(e) If after receiving a request for renewal of a permit or registration the department receives information which indicates that good cause, as set forth in (f) below, exists to refuse to renew the permit or registration, the department shall proceed in accordance with Env-C 200 and (1) refuse to renew the permit or registration until the reason for good cause has been corrected to conform with applicable requirements.

(f) Good cause to suspend, revoke, or refuse to renew a permit or registration shall include the following:

(1) The permit holder has not complied with the conditions of the permit or these rules;

(2) The plans submitted with the application do not accurately portray the actual site, facility, or management activities;

(3) Any other information submitted in support of the application is not true and complete or is misleading;

(4) The permit or registration holder has failed to comply with an order of the department relative to septage management, including an order to undertake corrective measures;

(5) The permit or registration holder has failed to comply with an order of the department relative to a violation of any other law implemented by the department;

(6) The permit holder has failed to submit an annual report in accordance with Env-Ws 1607.13(b) through (d), and Env-Ws 1608.12(b) through (d); or

(7) The permit or registration holder has failed to pay any fees or administrative, civil, or criminal penalties owed to the department.

(g) The department shall inform the applicant that the decision to suspend, revoke, or refuse to renew may be appealed to the water council in accordance with RSA 21-O:7.

Source. #6991, eff 5-5-99

Env-Ws 1604.06 Permit Transfer.

(a) A septage hauler permit or holding tank registration shall be issued to the applicant for each tank identified in the application and shall not be sold, assigned, or otherwise transferred by the permit or registration holder to any other person or tank unless prior approval is obtained from the department in accordance with (c) and (d) below.

(b) A site or facility permit shall be issued to the applicant and shall not be sold, assigned, or otherwise transferred by the permit holder to any other person unless prior approval is obtained from the department in accordance with (c) and (d) below.

(c) The person wishing to transfer a permit or registration shall submit to the department:

- (1) A copy of the original application;
- (2) A copy of the permit;
- (3) The name, address, and telephone number of the person(s) to whom the permit will be transferred;
- (4) A written explanation of any changes that are proposed to the permit, the site plan, the facility plan or the management plan, as applicable; and
- (5) A list of all changes that will require notification pursuant to Env-Ws 1604.08(f).

(d) The person to whom the site permit is proposed to be transferred shall submit a statement declaring whether the person has been convicted of a misdemeanor under any statute administered by the department within the 5 years prior to the date of application, or of a felony in any state or federal court during the 10 years prior to the date of application.

(e) The department shall approve such transfer if:

- (1) The permit holder is in compliance with these rules and the permit;
- (2) Any proposed changes are in compliance with these rules and the permit;
- (3) Good cause as defined by Env-Ws 1604.05(f) to suspend, revoke, or refuse to renew the permit does not exist, unless the reason that good cause exists can be corrected prior to or as a result of the permit transfer; and
- (4) The person to whom the permit is proposed to be transferred has not been convicted of a misdemeanor under any statute administered by the department within the 5 years prior to the date of application, or of a felony in any state or federal court during the 10 years prior to the date of application.

Source. #6991, eff 5-5-99; amd by #7344, eff 8-16-00

Env-Ws 1604.07 Transfer of Land Ownership.

(a) If land that has a holding tank registration, or facility or site permit associated with it is transferred to a new owner, then the permit holder or registrant shall notify the department within 10 days of the transfer and shall suspend all activities covered by the permit or registration until the statement described in (c) below is signed by the new owner and is received by the department.

(b) If a signed statement as described in (c) below does not accompany the notice of land transfer, then upon receipt of the notice the department shall commence a proceeding under Env-C 200 to revoke the permit or registration. If the permit holder or registrant obtains and submits the signed statement, the proceeding shall be terminated.

(c) The new owner shall provide a statement that:

- (1) The new owner is aware that the site, facility, or the septage storage tank exists on the land;
- (2) The new owner agrees to the continued operation of the site or facility or the septage storage tank; and
- (3) The new owner has given permission to the permit holder or registrant to enter upon the land for purposes of investigation and operation, including the implementation of remedial measures, if ordered by the department.

(d) If the new owner chooses to discontinue the activities covered by the site or facility permit, the permit holder shall:

- (1) Submit a written statement to the department and to the governing body of the municipality in which the site or facility is located indicating that the activities have been discontinued;
- (2) Remove any tank or other infrastructure specific to the activities that were subject to the permit or registration; and
- (3) If a facility, close the facility in accordance with the approved closure plan.

Source. #6991, eff 5-5-99

Env-Ws 1604.08 Modification of Site or Facility Permits.

(a) If the department determines, based on all available scientific and valid information, that the permitted activity shall create an immediate danger to human health or the environment, the department shall suspend the permit without request by the permit holder, pursuant to RSA 541-A: 30, III and Env-C 204.

(b) The permit holder shall apply to the department for approval to renew a site or facility permit, to modify a site or facility permit, or to modify any permitted management activity prior to implementing any changes.

(c) The permit holder shall provide the following information to the department and to the governing body of the municipality in which the site or facility is located:

- (1) The site or facility permit number;
- (2) The name, address, and telephone number of the permit holder, owner, operator, and haulers;
- (3) A detailed description of all proposed modifications;
- (4) A revised site or management highlighting the proposed changes;
- (5) If applicable, revised facility plans and specifications for construction and closure stamped by a New Hampshire registered professional engineer;
- (6) An explanation of why the proposed change(s) is necessary or desirable;
- (7) The effect of the modification on the site's or facility's capacity, the life expectancy;

- (8) The identification and status of all other federal or state permits or approvals necessary to effect the proposed modifications(s);
 - (9) The permit holder's proposed schedule for implementing such changes;
 - (10) A list and status of any outstanding violations, accompanied by a statement from the permit holder indicating how full compliance shall be attained prior to approval of the modification; and
 - (11) A list of any current abutters affected to whom the notice was not provided at the time of the original application.
- (d) The department shall approve the modification if it determines that:
- (1) All applicable requirements of these rules have been met;
 - (2) If the applicant is other than the owner, the owner has given permission to the applicant for the modification;
 - (3) All other state permits which are necessary for the proposed modification have been applied for;
 - (4) Management of the septage at the site or facility is in accordance with the proposed modification and will not violate any statutes or rules administered by the department; and
 - (5) The permit holder has paid all fees and administrative, civil, or criminal penalties owed to the department.
- (e) Subject to (f) below, applications to modify a permit shall be approved or denied within 30 days of receipt of the information required in (c) above.
- (f) If the proposed permit modification increases the volume of septage being managed at the site or facility by more than 20 percent from the volume specified in the current permit, the modification shall be processed in accordance with Env-Ws 1603 and Env-Ws 1604.04.

Source. #6991, eff 5-5-99; amd by #7344, eff 8-16-00

PART Env-Ws 1605 SEPTAGE HAULER PERMITS

Env-Ws 1605.01 Septage Hauler Permit Applications.

- (a) Any applicant for a permit to remove or transport septage on public roads shall provide the following information on a form obtained from the department:
- (1) The name, address, and home telephone number of the applicant and owner, if an individual;
 - (2) The name, address, and telephone number of the applicant's business and contact person;
 - (3) Any telephone numbers to be used in case of emergency;
 - (4) The vehicle identification number and license plate number for the vehicle(s) which will be used to transport the tanks;
 - (5) The tank identification number(s), if applicable;

- (6) The name, principal place of business, and telephone number of the septage hauler or septage transporting company that will appear on both sides of the vehicle or tank which will be used to transport the septage, unless identified pursuant to Env-Ws 1605.06(e);
 - (7) The anticipated service area(s);
 - (8) The location of each site, facility, or wastewater treatment facility to which septage is proposed to be taken; and
 - (9) Whether the applicant or owner has been convicted of a misdemeanor under any statute administered by the department within the 5 years prior to the date of application, or of a felony in any state or federal court during the 10 years prior to the date of application.
- (b) Each application shall be accompanied by the fee specified in Env-Ws 1605.04.
- (c) Each application shall be accompanied by a statement signed by the owner or authorized agent of each site, facility, or wastewater treatment facility, to which the applicant proposes to transport septage, which acknowledges the applicant's intent to beneficially use or dispose of septage at the site, facility, or wastewater treatment facility, and authorizes such activity.
- (d) Each application shall be accompanied by a certification that upon issuance of the permit, the applicant shall assume complete responsibility for ensuring that all persons who will be transporting septage with the applicant's vehicle(s) are familiar with the requirements of these rules.
- (e) Each application shall be accompanied by a statement signed by the applicant stating that all vehicles and tanks proposed to be used to transport septage have met all applicable federal and state motor vehicle requirements for septage transportation.

Source. #6991, eff 5-5-99

Env-Ws 1605.02 Expiration of Septage Hauler Permits. Septage hauler permits issued after January 31, 1999, shall have a duration of 2 years or less and shall expire on January 31 of the odd-numbered year following the date of issuance.

Source. #6991, eff 5-5-99

Env-Ws 1605.03 Renewal of Septage Hauler Permits. Any person to whom a septage hauler permit has been issued, and who wishes to renew the permit, shall submit the information required in Env-Ws 1605.01 to the department not less than 15 days prior to expiration of the permit.

Source. #6991, eff 5-5-99

Env-Ws 1605.04 Septage Hauler Permit Fee.

- (a) A fee in the amount of \$100 for each tank shall accompany each application for issuance or renewal of a septage hauler permit.
- (b) A fee in the amount of \$5 shall accompany the application for each tank needing a new or replacement plate.
- (c) The fee, if paid by check or money order, shall be made payable to "Treasurer-State of NH."
- (d) The fee shall not be prorated or refunded if the permit term established pursuant to Env-Ws 1605.02 is less than a full 2 years.

- (e) Any municipality that transports its own septage shall be exempt from the fees specified above.

Source. #6991, eff 5-5-99

Env-Ws 1605.05 Criteria for Review. The department shall issue or renew a septage hauler permit for the tanks specified in the application, if it determines that the following criteria have been met:

- (a) All applicable requirements of these rules have been met;
- (b) The applicant submits a signed statement stating that all vehicles proposed to transport septage comply with all applicable federal and state motor vehicle requirements for the transportation of septage;
- (c) The sites or facilities designated for receipt of the septage shall be permitted to receive, handle, manage, store, use, or otherwise dispose of septage;
- (d) The applicant has not been convicted of a misdemeanor under any statute implemented by the department within the 5 years prior to the date of application, or of a felony in any state or federal court during the 10 years prior to the date of application; and
- (e) The applicant has paid all fees and administrative, civil, or criminal penalties owed to the department.

Source. #6991, eff 5-5-99

Env-Ws 1605.06 Vehicle Identification.

- (a) A copy of the septage hauler permit issued pursuant to Env-Ws 1605 shall be retained in the vehicle at all times.
- (b) Each septage hauler shall display the name, principal place of business, and telephone number of the septage hauler or transporting company on both sides of the vehicle or tank used to transport septage, unless exempt pursuant to (e) below.
- (c) The information required by (b) above shall be in permanent and legible lettering at least 3 inches high.
- (d) The department shall issue a permit plate that shall be mounted on the rear of the transporting unit no closer than 12 inches to the motor vehicle registration plate issued by the department of safety.
- (e) Municipal vehicles which bear the municipal seal on each side of the vehicle shall not need further identification.

Source. #6991, eff 5-5-99

Env-Ws 1605.07 Vehicle and Tank Maintenance. Any hauler who has been issued a permit pursuant to Env-Ws 1605, shall maintain all vehicles and tanks used to transport septage in accordance with the following:

- (a) Each vehicle and tank shall be maintained so as not to create unreasonable malodors or public health hazards;
- (b) Each tank shall be watertight;
- (c) All piping, valves, and connections shall be accessible and capable of being cleaned;

(d) All inlet and outlet connections shall be constructed and maintained such that no material will leak, spill, or run out of the tank during transfer or transportation; and

(e) Discharge outlets shall be designed to control the flow of discharge without spraying or flooding the receiving area.

Source. #6991, eff 5-5-99

Env-Ws 1605.08 Transportation of Septage.

(a) All tanks shall be inspected by the driver prior to transport on public roads to ensure that septage will not leak, spill, or run out of the tank.

(b) All vehicles used to transport the tanks shall be equipped, at all times, with spill control or absorbent materials and disinfectant materials such as lime.

Source. #6991, eff 5-5-99

Env-Ws 1605.09 Change of Vehicles. Whenever a permit holder obtains an additional or replacement vehicle for transporting the tank(s), the permit holder shall:

(a) Notify the department in writing within 10 days of using the vehicle to transport septage;

(b) Supply the vehicle identification number and license plate number for the vehicle; and

(c) Supply the permit number(s) for all tanks that will be transported by the vehicle.

Source. #6991, eff 5-5-99

Env-Ws 1605.10 Record Keeping.

(a) Each septage hauler permit holder shall maintain the following information in the vehicle used to transport the tank(s) whenever the vehicle is in transit to a site, facility, or wastewater treatment facility:

(1) The name, address, and phone number of the client(s) from where the septage was transported;

(2) The volume of septage, in gallons, received from the client in (1) above; and

(3) The site, facility, or wastewater treatment facility to which the septage is to be delivered.

(b) Every septage hauler permit holder shall maintain the following records of each load of septage transported:

(1) The date received or picked up;

(2) The name and address of the client(s);

(3) The volume of the septage transported, in gallons;

(4) The site, facility, or wastewater treatment facility to which the load was discharged; and

(5) The date on which the load was discharged.

(c) Records shall be retained for a minimum of 5 years after the expiration of the permit to which they relate.

Source. #6991, eff 5-5-99

Env-Ws 1605.11 Reporting. Each hauler shall provide the information required by Env-Ws 1605.10(b) monthly to the operator of the site, facility, wastewater treatment facility to which the septage is delivered by no later than the 15th of the following month.

Source. #6991, eff 5-5-99

Env-Ws 1605.12 Accidental Release.

(a) In the event of an accidental release of septage, the permit holder shall:

- (1) Immediately take action to contain the septage, minimize the environmental impact, and begin clean-up procedures; and
- (2) Subject to (b) below, notify the department within 24 hours of the release with the following information:
 - a. The date, time, and location of the spill;
 - b. The volume of septage spilled and the volume of septage recovered, both in gallons;
 - c. The final disposition of the septage that was not recovered;
 - d. The hauler's permit number and the name and telephone number of the driver involved in the incident;
 - e. The name and telephone number of the client(s);
 - f. The approximate distance to surface waters and storm drains within 100 feet of the spill;
 - g. The actions taken to contain the spill, minimize the environmental impact and to clean up the area; and
 - h. Future actions necessary to clean up the spill, if applicable.

(b) Notification to the department shall not be required if all of the following conditions are met:

- (1) The discharge is less than 25 gallons;
- (2) The discharge is immediately contained;
- (3) The discharge is completely removed within 24 hours; and
- (4) There is no impact to groundwater or surface water.

Source. #6991, eff 5-5-99

PART Env-Ws 1606 SEPTAGE HOLDING TANKS

Env-Ws 1606.01 Use of Septage Holding Tanks. A septage holding tank shall only be used as temporary storage for septage:

- (a) When access to a permitted site, facility, or wastewater treatment facility is not immediately available and the septage hauling vehicle is needed to service a client of the hauler;
- (b) To accumulate septage to be land applied; or
- (c) For pH adjustment of septage prior to land application.

Source. #6991, eff 5-5-99

Env-Ws 1606.02 Registration.

(a) Any permitted hauler who wishes to install or use a septage holding tank shall submit the following information to the department:

- (1) The name, address, and home telephone number of the applicant;
- (2) The name, address, and telephone number of the applicant's business;
- (3) The hauler permit number;
- (4) The location of the proposed septage holding tank, including street address, tax map and lot number, and current deed reference;
- (5) The owner's name, address, and telephone number;
- (6) The capacity and age of the holding tank; and
- (7) The plans and specifications required pursuant to Env-Ws 1606.03.

(b) If the registrant is not the owner, the information shall be accompanied by a written statement, signed by the owner, that the owner is aware that the information is being filed and has given permission to the registrant to install the septage holding tank and to enter upon the land for purposes of site investigation and construction and operation of the septage holding tank.

Source. #6991, eff 5-5-99

Env-Ws 1606.03 Plans and Specifications. Each registrant of a septage holding tank shall submit a plan that contains the following information:

- (a) A locus map which identifies the proposed holding tank location;
- (b) The identification of all access roads and access control measures;
- (c) The identification of all roads, property boundary lines, structures within 200 feet of the holding tank location, structures on the property, any easements or rights-of-way which exist on the property, and the buffer zones as specified in Env-Ws 1606.04(d);
- (d) The identification of surrounding land use within 200 feet of the property on which the holding tank is proposed to be located; and

- (e) Septage holding tank specifications, including details of tank and piping design.

Source. #6991, eff 5-5-99

Env-Ws 1606.04 Design Criteria. Septage holding tanks shall meet the following design criteria:

- (a) The tank shall be watertight;
- (b) All piping, valves, and connections shall be watertight, accessible and capable of being cleaned;
- (c) All inlet and outlet connections shall be constructed such that no material will leak, spill, or run out of the tank;
- (d) Except for existing registered septage storage tanks, no septage holding tank shall be located within the buffer distances identified in Table 1608-II; and
- (e) The aggregate volume of the septage holding tank(s), located at a site, facility, or on a permitted hauler's property shall not exceed 10,000 gallons.

Source. #6991, eff 5-5-99

PART Env-Ws 1607 SITE PERMIT REQUIREMENTS

Env-Ws 1607.01 Site Permit Applications.

- (a) The person proposing to undertake the septage management activities at the site shall apply for the site permit.
- (b) The applicant shall provide the following information on a form obtained from the department:
 - (1) The name, address, and home telephone number of the applicant, if an individual;
 - (2) The name, address, and telephone number of the applicant's business;
 - (3) The name and telephone number of the person who can be reached in case of an emergency;
 - (4) The location of the proposed site, including street address, tax map and lot number, and current deed reference;
 - (5) The site owner's name, address, and telephone number;
 - (6) The name, mailing address, and business and telephone numbers of each current or proposed operator of the site, including each person's responsibility as it pertains to the regulated activities;
 - (7) The types of land application activity (ies) being proposed for the site, including but not limited to agricultural land application, forest application, reclamation, or stockpiling;
 - (8) A description of the use of the site, including agricultural operations and crops grown on each field, if applicable, covering 5 years immediately prior to submission of the application; and
 - (9) Whether the applicant has been convicted of a misdemeanor under any statute administered by the department within the 5 years prior to the date of application or of a felony in any state or federal court during the 10 years prior to the date of application.
- (c) The following shall be submitted with the application:
 - (1) The site plan prepared in accordance with Env-Ws 1607.06;

- (2) The management plan prepared in accordance with Env-Ws 1607.07;
 - (3) If reclamation is proposed, the groundwater monitoring plan required in Env-Ws 1609;
 - (4) A statement signed by the applicant certifying:
 - a. Compliance with the notification provisions of Env-Ws 1603.01;
 - b. That all operators of the site will be instructed on the requirements of Env-Ws 1600 prior to working at the site;
 - c. That a copy of the application has been given to the governing body of the municipality in which the activity is proposed to occur; and
 - d. That the information submitted is accurate;
 - (5) A copy of the National Resource Conservation Service (NRCS) county soils survey map, or portion thereof, with the area(s) of proposed activity clearly delineated, including a description and location of each soil type found on the site;
 - (6) The description of the soil profile characteristics of each soil test pit or auger boring as required in Env-Ws 1607.11(c);
 - (7) An original of the most recent USGS map, largest scale available, with the latitude and longitude specified, showing the approximate location and boundary of the site;
 - (8) The results of the soil analyses in accordance with Env-Ws 1607.11(e) and (f);
 - (9) Written verification from the department of resources and economic development indicating whether threatened or endangered species exist on the site;
 - (10) For all reclamation sites and forest application sites, a site-specific soil map or survey prepared in accordance with the Site-Specific Soil Mapping Standards for New Hampshire and Vermont, Society of Soil Scientists of Northern New England Publication No. 3, dated June 1998;
 - (11) A list of all other state permits which are required for the proposed site and evidence that applications for those permits have been submitted; and
 - (12) The name and address of the locally accessible place where all information required in Env-Ws 1607.01 can be reviewed.
- (d) If the applicant is not the owner, the application shall be accompanied by a written statement from the owner stating that the owner is aware the application is being filed, and has given permission to the applicant to file the application and to enter upon the land for purposes of site investigation and operation of the land application or storage site in the event that the department issues the permit.
- (e) Each application shall be:
- (1) Signed by the applicant;
 - (2) Submitted in duplicate; and

(3) Accompanied by the fee specified in Env-Ws 1607.04.

Source. #6991, eff 5-5-99

Env-Ws 1607.02 Expiration of Site Permits. A site permit issued by the department shall expire 5 years from the date on which it was issued.

Source. #6991, eff 5-5-99

Env-Ws 1607.03 Renewal of Site Permits. Any person to whom a site permit has been issued, and who wishes to renew the permit, shall apply for a permit modification under Env-Ws 1604.08 (b) and submit the permit fees required in Env-Ws 1607.04 to the department no later than 120 days prior to expiration of the permit.

Source. #6991, eff 5-5-99; ss by #7344, eff 8-16-00

Env-Ws 1607.04 Site Permit Fees.

(a) Subject to (e) and (f) below, a fee in the amount of \$300 shall accompany each application for issuance or renewal of a site permit for land application or storage of septage on sites greater than 10 acres.

(b) Subject to (e) and (f) below, a fee in the amount of \$150 shall accompany each application for issuance or renewal of a site permit for land application or storage of septage on sites greater than 5 but less than or equal to 10 acres.

(c) Subject to (e) and (f) below, a fee in the amount of \$100 shall accompany each application for issuance or renewal of a site permit for land application or storage of septage on sites with 5 or fewer acres.

(d) Fees, if paid by check or money order, shall be made payable to "Treasurer-State of NH."

(e) Any New Hampshire municipality proposing to permit a site for land application shall be exempt from the fee specified in (a) through (c) above.

(f) Sites which also receive a facility permit, in accordance with Env-Ws 1604.02(c), shall be exempt from the fees specified in (a) through (c) above.

Source. #6991, eff 5-5-99

Env-Ws 1607.05 Criteria for Review. The department shall issue or renew a site permit if it determines that:

(a) All applicable requirements of these rules have been met;

(b) If the applicant is other than the owner, the owner has given permission to the applicant to file the application and to enter upon the land for purposes of site investigation and operation of the site in the event that the department issues the permit;

(c) All other state permits which are necessary for the operation of the site have been applied for;

(d) Management of septage at the site in accordance with the application shall not violate any statutes or rules administered by the department;

(e) The permit holder has not been convicted of a misdemeanor under any statute implemented by the department within the 5 years prior to the date of application, or of a felony in any state or federal court during the 10 years prior to the date of application;

(f) The permit holder has paid all fees and administrative, civil, or criminal penalties owed to the department;

(g) The permit holder has submitted all test results and reports required for a site permit pursuant to Env-Ws 1607.01; and

(h) The proposed use of septage will not adversely affect threatened or endangered species.

Source. #6991, eff 5-5-99

Env-Ws 1607.06 Site Plans. Site plans required under Env-Ws 1607.01(c)(1) shall be:

(a) Based upon a municipal tax map, a surveyed plan, or other scaled drawing which identifies the proposed site location at a scale appropriate to delineate the information clearly; and

(b) Marked to show:

- (1) A locus map which identifies the proposed site location at a scale appropriate to delineate the information clearly;
- (2) The total land area, in acres, to be used for land application;
- (3) The land area of each field, in acres, identified by unique field designations;
- (4) The identification of access roads, access control measures, and buffer distances;
- (5) The identification of proposed storage, holding tanks or storage tank locations;
- (6) The identification of any easements or rights-of-way which exist on the property;
- (7) The identification of proposed measures to control surface water runoff to or from the site and storage locations, if applicable;
- (8) The identification of surrounding land use, roads, and property lines within 100 feet of the site;
- (9) All soil test pit and auger boring locations;
- (10) The approximate location of and distance to all dwellings and structures, and water supply wells, whether on or off the site, within 500 feet of the site;
- (11) The names and addresses of all abutters;
- (12) The name and location of all surface waters within 500 feet of the site, including the designated river classification under RSA 483, New Hampshire rivers management and protection program, if applicable;
- (13) The scale of the plan;
- (14) An arrow indicating which direction on the plan is north;
- (15) The approximate location of all poorly and very poorly drained soils on the site; and
- (16) If reclamation is proposed, the items required in the groundwater monitoring plan specified in Env-Ws 1609.02(b).

Source. #6991, eff 5-5-99

Env-Ws 1607.07 Management Plans. Each management plan required under Env-Ws 1607.01(c)(2) shall include the following:

- (a) The normal hours of operation of the site;
- (b) Proposed route(s) of access to the site;
- (c) The method of application, if land applying;
- (d) Storage provisions, if applicable;
- (e) Proposed service area;
- (f) The volume of septage, in gallons, expected on a periodic basis, such as daily, weekly or monthly, and the estimated annual volume;
- (g) The proposed measures to meet the pathogen reduction and vector attraction reduction requirements specified in 40 CFR part 503;
- (h) A description of the record keeping procedures;
- (i) A detailed odor control plan explaining:
 - (1) The procedures that shall be used to address and resolve any odor complaints;
 - (2) The name, address and telephone number of the person(s) who shall be responsible for responding to odor complaints; and
 - (3) Site management techniques that shall be employed to minimize odors;
- (j) A nutrient management plan for the final mixture to be land applied for each field, specific for each crop or vegetation type, containing the following information:
 - (1) The crops or vegetation to be grown;
 - (2) A copy of the farm or site nutrient management recommendations developed in accordance with guidelines of UNH cooperative extension, USDA, NH department of agriculture, NRCS or other certified agricultural or crop advisors;
 - (3) The agronomic rate calculations for land application of septage performed in accordance with 40 CFR Part 503;
 - (4) The proposed disposition of crops grown; and
 - (5) The proposed type and quantity of all other soil amendments and nutrient sources to be used on the site; and
- (k) Any other best management practices which shall be implemented at the site to ensure compliance with these rules.

Source. #6991, eff 5-5-99

Env-Ws 1607.08 Land Application Standards.

- (a) The operation of all sites which manage septage through land application shall comply with:
 - (1) The federal regulations as specified in 40 CFR part 503; and
 - (2) The requirements specified herein.
- (b) No spreading of septage shall be done on frozen or snow covered ground or when the ground is saturated due to precipitation or flooding.
- (c) No septage shall be spread on agricultural land which has a slope greater than 15 percent, that is, a 15 foot rise in 100 feet.
- (d) Septage spread on agricultural land or forested land which has a slope greater than 8 percent shall be applied in no fewer than 4 separate applications, each of which is no more than 25 percent of the total agronomic rate, at least 48 hours apart.
- (e) Septage shall be spread in an even layer so as not to result in ponding or runoff of material.
- (f) Septage shall be processed to minimize visible or identifiable plastics or other non-biodegradable solids.
- (g) No spreading of septage shall be done on very poorly drained solids.
- (h) No spreading of septage shall be done in the floodway, defined as the stream channel plus that portion of the overbanks that must be kept free from encroachment in order to discharge the one percent annual chance flood without increasing flood levels by more than one foot, which is adopted into a local floodplain management ordinance.
- (i) Animals shall not be grazed on land on which septage has been land applied until 45 days after the last application of septage unless methods to reduce adherence to the crop or vegetation are used in conformance with the approved management plan.
- (j) Reclamation and forest sites shall be posted, for the life of the permit, with signs which:
 - (1) Contain the name and telephone number of the operator and which state: "This is a septage land application site" printed with block letters not less than one inch in height;
 - (2) Also contain the name and address of the owner or lessee of the property; and
 - (3) Shall be posted not more than 100 yards apart on all sides and shall also be posted at gates, bars, and commonly used entrances.

Source. #6991, eff 5-5-99

Env-Ws 1607.09 Required Buffer Distances For Land Application.

(a) No person shall land apply septage within the buffer areas specified in Table 1607-I, subject to (b) below:

Table 1607-I
Buffer Distances (in feet)

Surface Water:	
Designated river under RSA 483:	250
Other surface water:	125 ^a
Non-Tidal Drainage Ditch:	33
Community Wells ^b :	400
Other Wells:	300
Surface Drinking Water Source:	500
Property Lines:	50 ^c
Public Roads other than federal interstate highways:	25
Federal Interstate Highways:	10
Occupied Dwelling:	100 ^c
Groundwater Depth:	
Reclamation:	4 ^d
Land Application:	2 ^d
Bedrock / Restrictive Layer:	2

(b) The following shall apply to Table 1607-I:

- (1) The letter "a" shall indicate that the distance to surface waters may be reduced to 75 feet if the material is incorporated within 48 hours and the slope is less than 8 percent;
- (2) The letter "b" shall indicate those community public water supply wells which withdraw greater than 57,600 gallons over a 24-hour period;
- (3) The letter "c" shall indicate that the distance to property lines and to occupied dwellings may be reduced through written agreement with affected party(ies); and
- (4) The letter "d" shall indicate the depth to groundwater at time of application.

Source. #6991, eff 5-5-99; amd by #7344, eff 8-16-00

Env-Ws 1607.10 Septage Storage.

(a) Any person stockpiling septage containing greater than 15 percent solids for longer than 7 days shall cover the stockpile with an odor control material, such as lime, wood ash which has been approved for such use pursuant to Env-Wm 3400, or cement kiln dust, to minimize odors.

(b) Storage or stockpiling of septage shall be maintained to minimize water run-on and run-off.

(c) Storage or stockpiling of septage shall not be permitted for greater than 48 hours on the 100-year flood plain as defined and delineated by the flood insurance rate maps published by the US Department of Housing and Urban Development or the Federal Emergency Management Agency.

(d) Storage or stockpiling of septage shall not be permitted on any poorly or very poorly drained soils.

(e) Septage containing 15 percent solids or less shall be stored or stockpiled in a tank or lagoon.

Source. #6991, eff 5-5-99

Env-Ws 1607.11 Testing.

(a) One soil test pit or auger boring shall be taken, at a depth of at least 40 inches, for each soil mapping unit present on the Natural Resource Conservation Service county soils map, but no less than one every 5 acres to verify the soil type(s) shown on the county soils map.

(b) One soil test pit or auger boring shall be taken, at a depth of at least 4 feet, for each area proposed for stockpiling.

(c) An analysis of the soil test pits or auger bores required in (a) and (b) above shall be performed and shall include a description of the soil profile characteristics, depth to seasonal high watertable, and depth to bedrock or other restrictive layer.

(d) Soil samples from each field proposed to be used for land application shall be collected within 6 months prior to submittal of the permit application and within 3 months prior to the end of the permit term.

(e) The soil samples in (d) above shall be analyzed by a laboratory certified under Env-C 300 to analyze water for metals, for:

- (1) Arsenic, measured as mg/kg;
- (2) Cadmium, measured as mg/kg;
- (3) Chromium, measured as mg/kg;
- (4) Copper, measured as mg/kg;
- (5) Lead, measured as mg/kg;
- (6) Mercury, measured as mg/kg;
- (7) Molybdenum, measured as mg/kg;
- (8) Nickel, measured as mg/kg;
- (9) Selenium, measured as mg/kg; and
- (10) Zinc, measured as mg/kg.

(f) Soil samples from each field used for land application of septage shall be collected on a yearly basis no more than 90 days prior to the initial application for that year, and analyzed by UNH cooperative extension services or by a laboratory using a method that produces similar results for:

- (1) Soil acidity, measured as pH;
- (2) Buffer pH;
- (3) Texture;
- (4) Calcium;
- (5) Magnesium;
- (6) Potassium;

- (7) Phosphorus; and
- (8) Organic matter.

Source. #6991, eff 5-5-99

Env-Ws 1607.12 Record Keeping.

(a) Every site permit holder shall maintain records of each load of septage received at the site, including identification of:

- (1) The date received;
- (2) The name and permit number of the hauler delivering the load;
- (3) The volume of each load of septage received in gallons;
- (4) The name and address of the person from which the material originates; and
- (5) The date land applied and the amount spread on each field.

(b) Site plans, management plans, and records shall be retained for a minimum of 5 years after the expiration of the site permit(s) to which they relate.

Source. #6991, eff 5-5-99

Env-Ws 1607.13 Reporting.

(a) At least 14 days prior to commencement of each yearly septage land application activity, the permit holder shall submit the following information to the department for each site:

- (1) The site name and address;
- (2) The name of the permit holder;
- (3) The permit number for the site; and
- (4) An updated nutrient management plan as required in Env-Ws 1607.07(j).

(b) Every site permit holder shall submit an annual report for each site to the department by the last business day of January for each previous year in which the permit is valid, regardless of whether or not the site received or processed septage within the previous calendar year.

(c) The annual report shall contain the following:

- (1) The site location, including address and town;
- (2) The permit number;
- (3) The owner's name;
- (4) The crops grown for each field and the crop disposition;
- (5) The quantity of septage applied to each field; and
- (6) For reclamation sites, the groundwater monitoring report.

(d) If any of the information differs from that previously supplied to the department concerning the activity, the permit holder shall note those differences in the annual report.

Source. #6991, eff 5-5-99

PART Env-Ws 1608 FACILITY PERMIT REQUIREMENTS

Env-Ws 1608.01 Facility Permit Applications.

(a) The person proposing to undertake the septage management activities at the facility shall apply for the facility permit.

(b) Any applicant for a facility permit shall provide the following information on a form obtained from the department:

- (1) The name, address, and home telephone number of the applicant if an individual;
- (2) The name, address, and telephone number of the applicant's business;
- (3) The name and telephone number of the person who can be reached in case of emergency;
- (4) The location of the proposed facility, including street address, tax map and lot number, and current deed reference;
- (5) The name, mailing address, and telephone number of each operator of the facility including each person's responsibility as it pertains to the regulated activities;
- (6) The types of septage management activities being proposed at the facility including but not limited to processing, storing, or treating of septage;
- (7) A description of the intended capacity and life of the facility; and
- (8) A description of the use of the land on which the facility is proposed covering 5 years immediately prior to submission of the application.

(c) The following shall be submitted with the application:

- (1) If applicable, facility plans and specifications for construction and closure stamped by a professional engineer registered in the State of New Hampshire;
- (2) The facility plan prepared in accordance with Env-Ws 1608.06;
- (3) The management plan prepared in accordance with Env-Ws 1608.07;
- (4) A statement signed by the applicant certifying that:
 - a. The applicant has complied with the notification requirements of Env-Ws 1603.01;
 - b. All operators of the facility have been instructed on the requirements of Env-Ws 1600 or shall be instructed prior to working at the facility;
 - c. A copy of the application has been given to the governing body of the municipality in which the activity is proposed to occur; and
 - d. The information submitted is accurate;

- (5) A copy of the Natural Resource Conservation Service county soils survey map, or portion thereof, with the area(s) of proposed activity clearly delineated, including a description of each soil type found on the site;
 - (6) The description of the soil profile characteristics for each soil test pit or soil auger boring required in Env-Ws 1608.10(c);
 - (7) An original of the most recent USGS map showing the location of the facility with the latitude and longitude specified;
 - (8) Written verification from the department of resource and economic development indicating whether threatened or endangered species exist on the site;
 - (9) A copy of the facility closure plan as specified in Env-Ws 1608.09;
 - (10) A list of all other state permits which are required for the proposed facility and evidence that applications for those permits have been submitted;
 - (11) The name and address of the locally accessible place where all the information required in Env-Ws 1608.01 can be reviewed; and
 - (12) Whether the applicant has been convicted of a misdemeanor under any statute administered by the department within the 5 years prior to the date of application, or of a felony in any state or federal court during the 10 years prior to the date of application.
- (d) If the applicant is not the owner, the application shall be accompanied by a written statement signed by the owner stating that the owner is aware the application is being filed and has given permission to the applicant to file the application and to enter upon the land for purposes of site investigation and operation of the facility in the event that the department issues the permit.
- (e) Each application shall be:
- (1) Signed by the applicant;
 - (2) Submitted in duplicate; and
 - (3) Accompanied by the fee specified in Env-Ws 1608.04.

Source. #6991, eff 5-5-99

Env-Ws 1608.02 Expiration of Facility Permits. A facility permit issued by the department shall expire 5 years from the date on which it was issued.

Source. #6991, eff 5-5-99

Env-Ws 1608.03 Renewal of Facility Permits. Any person to whom a facility permit has been issued, and who wishes to renew the permit, shall apply for a permit modification under Env-Ws 1604.08(b) and submit the permit fee required by Env-Ws 1608.04 to the department no later than 120 days prior to expiration of the permit.

Source. #6991, eff 5-5-99; ss by #7344, eff 8-16-00

Env-Ws 1608.04 Facility Permit Fees.

(a) A fee in the amount of \$1,000 shall accompany each application for issuance or renewal of a facility permit to mix, treat, process or dispose of septage.

(b) Any New Hampshire municipality that applies for a facility permit or has its septage managed at a facility, shall be exempt from the fee specified in (a) above.

(c) Fees, if paid by check or money order, shall be made payable to "Treasurer-State of NH."

Source. #6991, eff 5-5-99

Env-Ws 1608.05 Criteria for Review. The department shall issue or renew a facility permit if it determines that the following criteria have been met:

(a) All applicable requirements of the rules have been met;

(b) All other state permits which are necessary for the construction and operation of the facility have been applied for;

(c) Management of septage at the facility, in accordance with the application, shall not violate any statutes or rules implemented by the department;

(d) The permit holder has not been convicted of a misdemeanor under any statute administered by the department within the 5 years prior to the date of application, or of a felony in any state or federal court during the 10 years prior to the date of application;

(e) The permit holder has paid all fees and administrative, civil, or criminal penalties owed to the department; and

(f) The septage management activities which will be conducted at the facility shall not adversely affect threatened or endangered species.

Source. #6991, eff 5-5-99

Env-Ws 1608.06 Facility Plans. Facility plans required under Env-Ws 1608.01(c)(2) shall:

(a) Be at a scale appropriate to show all information contained on the plan clearly; and

(b) Include the following:

(1) A locus map which identifies the proposed facility location and details the proposed route of access to the site;

(2) The total available land area, in acres, and the specific acres to be used for facility operations, including proposed stockpile or storage tank locations;

(3) The identification of access roads and access control measures, including perimeter fencing and buffer zones;

(4) The identification of roads, property lines, structures whether on or off the property, and any easements or rights-of-way which exist on the property;

(5) The identification of proposed measures to control surface runoff to or from the facility and storage locations, if applicable;

- (6) The identification of surrounding land use within 500 feet;
- (7) All soil test pit and auger boring locations;
- (8) The approximate location of and distance to all dwellings, structures, and water supply wells within 500 feet of the facility;
- (9) The names and addresses of all abutters;
- (10) The name and location of all surface waters within 500 feet of the facility, including their designated river classification, under RSA 483, New Hampshire rivers management and protection program, if applicable;
- (11) The scale of the plan;
- (12) An arrow indicating which direction on the plan is north;
- (13) The location of all poorly and very poorly drained soils; and
- (14) If applicable, the location of the items required in Env-Ws 1609.02(b).

Source. #6991, eff 5-5-99

Env-Ws 1608.07 Management Plans. Management plans required under Env-Ws 1608.01(c)(3) shall include the following:

- (a) The normal hours of operation of the site;
- (b) Storage provisions, if applicable;
- (c) The anticipated service area;
- (d) The volume of septage, in gallons, expected on a periodic basis, such as daily, weekly or monthly;
- (e) The volume of septage, in gallons, expected over the entire life expectancy of the facility, if applicable;
- (f) The type of treatment used for pathogen reduction and vector attraction reduction, if applicable, required by 40 CFR Part 503;
- (g) Additional on-site measures to be taken to control vectors;
- (h) A detailed odor control plan explaining:
 - (1) The procedures that shall be used to address and resolve any odor complaints;
 - (2) Additional management techniques employed to minimize odors; and
 - (3) The name, address, and telephone number of the person(s) who will be responsible for responding to odor complaints;
- (i) A copy of the facility contingency plan describing course(s) of action to be followed in case of emergency or other special conditions, such as:
 - (1) Equipment breakdowns;
 - (2) Fire;

- (3) Vectors;
- (4) Explosion;
- (5) Spills;
- (6) Receipt or release of hazardous or toxic materials or substances;
- (7) Groundwater, surface water or air contamination attributable to a facility; and
- (8) Other incidents that could threaten human health, safety or the environment.

Source. #6991, eff 5-5-99

Env-Ws 1608.08 Facility Standards.

(a) New facilities for the treatment or processing of septage, such as septage treatment facilities and septage lagoons, shall be designed and constructed in accordance with the requirements of the "Guides for the Design of Wastewater Treatment Works" by the New England Interstate Water Pollution Control Commission, dated 1998.

(b) Septage composting facilities and septage monofills shall be designed, constructed, operated and closed in accordance with the requirements of Env-Wm 2300 and Env-Wm 2500, respectively, of the solid waste rules.

(c) The facility shall operate in such a manner so as to minimize the impact on abutters and the surrounding community.

(d) All facilities shall:

(1) Be posted with signs which contain the name and telephone number of the operator and which state: "This is a Septage Management Area" printed with block letters not less than one inch in height.

a. Such signs shall contain the name and address of the owner or lessee of the property.

b. Such signs shall be posted no more than 100 yards apart on all sides and shall also be posted at gates, bars, and commonly used entrances;

(2) Restrict access by the installation of a locked gate or cable;

(3) Be operated such that odors from the facility are minimized;

(4) Be maintained in a clean and orderly fashion to minimize attraction of vectors; and

(5) Be closed in accordance with Env-Ws 1608.09.

(e) In addition to the requirements in (d) above, all lagoons shall be:

(1) Fenced around the perimeter to control access;

(2) Maintained to provide a minimum of 2 feet of freeboard at all times; and

(3) Bermed on all sides to divert surface drainage away from the lagoons.

(f) Subject to (g) and (h) below, no person shall situate or operate a facility within the buffer distances specified in Table 1608-I:

TABLE 1608-I
Buffer Distances (in feet)

Nearest Well:	500 ^a
Surface Water:	
Designated river under RSA 483:	250
Other surface water:	125
Non-Tidal Drainage Ditch:	100
Surface Drinking Water Source:	500
Nearest Occupied Dwelling:	500 ^b
Property Line:	500 ^b
Groundwater Depth:	4
Bedrock / Restrictive Layer:	4

(g) The following notes shall apply to Table 1608-I:

- (1) The letter "a" shall indicate that the distance to the nearest well shall be as far as practical, but in no case closer than 500 feet;
- (2) The letter "b" shall indicate that the distance to the nearest occupied dwelling or property line shall be as far as practical beyond 500 feet, but may be reduced below 500 feet with the occupant's prior written consent.
- (3) The letter "c" shall indicate that the distance to the nearest occupied dwelling or property line shall be as far as practical beyond 500 feet, but may be reduced below 500 feet with the occupant's prior written consent.

(h) No person shall store septage at a site or facility within the buffer areas specified in Table 1608-II, subject to (i) below:

TABLE 1608-II
Buffer Distances For Storage (in feet)

Nearest Occupied Dwelling:	
Sealed & covered storage tank:	200 ^a
Other storage:	500 ^b
Nearest Well:	
Sealed & covered storage tank:	300 ^d
Other storage:	500 ^c
Property Line:	
Sealed & covered storage tank:	200 ^a
Other storage:	500 ^b
Bedrock / Restrictive Layer:	4
Groundwater:	
Sealed & covered storage tank:	2 ^e
Other storage:	4 ^e
Surface water:	125
Non-Tidal Drainage Ditch:	100

(i) The following shall apply to Table 1608-II:

- (1) The letter "a" shall indicate that the distance to the nearest occupied dwelling or property line shall be as far as practical beyond 200 feet, but may be reduced below 200 feet with the occupant's prior written consent.
- (2) The letter "b" shall indicate that the distance to the nearest occupied dwelling or property line shall be as far as practical beyond 500 feet, but may be reduced below 500 feet with the occupant's prior written consent.
- (3) The letter "c" shall indicate that the distance to the nearest well shall be as far as practical, but in no case closer than 500 feet.
- (4) The letter "d" shall indicate that the distance to the nearest well shall be as far as practical, but in no case closer than 200 feet.
- (5) The letter "e" shall indicate that this shall be the depth to the seasonal high water table.

(j) Facilities which are in operation prior to the effective date of the 1999 amendments to Env-Ws 800 shall comply with the buffer distances identified in Table 1608-I and II, above, for any new activities regulated by these rules, within 90 days, as applicable.

(k) Any person stockpiling septage containing greater than 15 percent solids for longer than 7 days shall cover the stockpile with an odor control material, such as lime or wood ash which has been approved for such use pursuant to Env-Wm 3400, or cement kiln dust, to minimize odors.

(l) Storage or stockpiling of septage shall be maintained to minimize water run-on and run-off.

(m) Storage or stockpiling of septage shall not be permitted for greater than 48 hours on the 100-year flood plain as defined and delineated by the flood insurance rate maps published by the US Department of Housing and Urban Development or the Federal Emergency Management Agency.

(n) Storage or stockpiling of septage shall not be permitted on any poorly or very poorly drained soils.

(o) Septage containing 15 percent solids or less shall be stored in a tank or lagoon.

Source. #6991, eff 5-5-99; amd by #7344, eff 8-16-00

Env-Ws 1608.09 Closure Plans.

(a) All septage facilities that have not closed as of the effective date of the 1999 amendments to Env-Ws 800, shall submit a closure plan to the department within 120 days of such effective date.

(b) The closure plan shall include the following:

- (1) The facility identification, including name, mailing address, location and permit number, if applicable;
- (2) A description of the procedures for removing all material from the facility, if applicable, and the intended final disposition of the materials;
- (3) A description of any proposed site work that will be performed to regrade and or revegetate the area;
- (4) The schedule of closure activities and anticipated closure date; and

(5) A description of how notification shall be given to all users of the facility of the termination of receipt of septage by the facility.

(c) At least 60 days prior to the planned cessation of facility operations, the permittee shall provide the department and the municipality in which the facility is located, with written notice of the intent to close the facility.

(d) The notice shall include the following:

- (1) The facility identification, including permit number;
- (2) The date the facility intends to stop receiving and/or processing septage;
- (3) A copy of the facility's approved closure plan or file reference thereto; and
- (4) The date the facility intends to begin closure activities and estimated closure completion date.

(e) The permittee shall notify the department and the municipality in which the facility is located, when closure is complete.

Source. #6991, eff 5-5-99

Env-Ws 1608.10 Testing.

(a) One soil test pit or auger boring shall be taken, at a depth of at least 40 inches, for each soil mapping unit present on the Natural Resource Conservation Service county soils map, but no less than one every 5 acres to verify the soil type(s) shown on the county soils map.

(b) One soil test pit or auger boring shall be taken, at a depth of at least 4 feet, for each area proposed for storage.

(c) An analysis of the soil test pits or auger bores required in (a) and (b) above shall be performed and shall include a description of the soil profile characteristics, depth to seasonal high watertable, and depth to bedrock or other restrictive layer.

Source. #6991, eff 5-5-99

Env-Ws 1608.11 Record Keeping.

(a) Every facility permit holder shall maintain records of each load of septage received at the facility, including identification of:

- (1) The date received;
- (2) The name of the hauler and the permit number of the hauler delivering the load;
- (3) The volume of each load of septage received, in gallons; and
- (4) The disposition of the material.

(b) Facility plans, management plans, closure plans, and records shall be maintained by the permit holder, and shall be available to the department for review during all reasonable business hours. If the department believes that violations of RSA 485-A or these rules relative to septage management have occurred, the department may require the permit holder to submit copies of all records.

(c) Facility plans, management plans, closure plans, and records shall be retained for a minimum of 5 years after closure of the facility.

Source. #6991, eff 5-5-99

Env-Ws 1608.12 Reporting.

(a) The permit holder shall report all complaints to the department orally within 24 hours of receipt of a complaint. A written submission shall be provided within 5 days of the complaint and shall contain a description of the complaint, including exact dates, times, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the concern.

(b) Every facility permit holder shall submit an annual report for each facility to the department by the last business day of January for each previous calendar year in which the permit is valid, regardless of whether or not the facility received or processed septage during the previous calendar year.

(c) The annual report shall contain the following information:

- (1) The name and address of the facility;
- (2) The permit number;
- (3) The name of the permit holder;
- (4) The total volume of septage, in gallons, received at the facility, from each hauler; and
- (5) The disposition of all material that was received for example: total volume, in gallons, delivered to permitted land application sites, or the total volume processed or treated.

(d) If any of the information differs from that previously supplied to the department concerning the activity, the permit holder shall note those differences in the annual report.

(e) If the annual report is not submitted to the department by the last business day in January, the department shall proceed in accordance with Env-Ws 1604.05 to suspend or revoke the permit.

Source. #6991, eff 5-5-99

PART Env-Ws 1609 GROUNDWATER MONITORING

Env-Ws 1609.01 Applicability. Groundwater shall be monitored at the following:

- (a) Septage monofills;
- (b) Septage lagoons;
- (c) Reclamation sites; and

(d) Those septage management activities conducted at facilities, such as outside septage stockpiles or compost piles containing leachable constituents, which, if not properly managed, might result in contamination of groundwater.

Source. #6991, eff 5-5-99

Env-Ws 1609.02 Groundwater Monitoring Plan Requirements.

- (a) The applicant shall submit a groundwater monitoring plan which shall include:
- (1) The constituents to be monitored;
 - (2) The location and identification of all sampling points;
 - (3) The sampling frequency;
 - (4) The sampling methodologies;
 - (5) The analytical methodologies; and
 - (6) The procedures that shall be used to establish background concentrations of all constituents required for monitoring. Background concentrations means concentrations detected in areas unaffected by the site or facility permitted or to be permitted.
- (b) In addition to (a) above, the applicant shall include the following on the site or facility plan prepared in accordance with Env-Ws 1607.06 and Env-Ws 1608.06, respectively:
- (1) The location, elevation, and datum of a bench mark if a survey is conducted to establish topography;
 - (2) Ground surface spot elevations and contours to show topography, using information from the most recent USGS map, or more accurate information, if available;
 - (3) The identification and location of the existing and proposed groundwater monitoring wells, showing at least one hydraulically up gradient and 2 hydraulically down gradient wells;
 - (4) The identification and location of any surface water sampling points;
 - (5) Groundwater contours which accurately show groundwater flow direction;
 - (6) A description of the method used to develop groundwater contours, including the identification and location of any piezometers;
 - (7) A table of water level measurements and elevations found in any piezometers and monitoring wells used to develop the groundwater contours;
 - (8) Well construction details of any existing monitoring wells, top of well casing, elevations, and measured depth to water table from top of casing; and
 - (9) Well construction details of any proposed monitoring wells.

Source. #6991, eff 5-5-99

Env-Ws 1609.03 Corrective Action Plan.

- (a) If the concentration of any constituent required by the department to be monitored under the groundwater monitoring plan exceeds the background value, in accordance with (b) below, at any down gradient monitoring well, the permit holder shall notify the department within 10 days and shall commence monthly monitoring for each constituent and at each well where background has been exceeded. Monthly monitoring shall continue until the results demonstrate that background has not been exceeded for 2 consecutive months.

- (b) Background shall have been exceeded when any of the following conditions exist:
- (1) The concentration of a monitored constituent exceeds the background concentration, as established in Env-Ws 1609.02(a)(6), of the same constituent by more than the detection limit for that constituent;
 - (2) The concentration of a monitored constituent previously undetected using the procedures established in Env-Ws 1609.02(a)(6) exceeds the analytical detection limit by a factor of 1.5; or
 - (3) For nitrate monitored at reclamation sites, the concentration exceeds 5 mg/L above the nitrate concentration in unaffected areas or 9 mg/L, whichever is less.
- (c) If the concentration of the constituent(s) detected by the additional monitoring exceeds background concentration for two consecutive months, but is below the ambient groundwater quality standard, the permit holder shall:
- (1) Notify the department within 10 days;
 - (2) For reclamation sites, cease operation;
 - (3) Continue monthly monitoring; and
 - (4) Within 30 days submit to the department for review and approval a corrective action plan which shall describe the exceedances, the source(s) of the exceedances and the proposed measures to be taken to eliminate the exceedances.
- (d) The department shall approve the corrective action plan if it determines that the action shall:
- (1) Achieve compliance with background and ambient groundwater quality standards;
 - (2) Eliminate any future discharges of the constituent(s) that was causing the exceedances of background values to the groundwater; and
 - (3) Protect human health and the environment.
- (e) The corrective action shall be initiated within 30 days of department approval.
- (f) If the concentrations of any monitored constituent detected by any required monitoring are above the ambient groundwater quality standard, the permit holder shall:
- (1) Cease operation;
 - (2) Notify the department within ten days; and
 - (3) Apply for a groundwater management permit.

Source. #6991, eff 5-5-99

Env-Ws 1609.04 Water Quality Sampling, Analysis, and Reporting.

- (a) Analyses shall be performed by a laboratory certified by the USEPA or the New Hampshire department of environmental services pursuant to Env-C 300.
- (b) Sampling shall be performed in accordance with:

- (1) Sampling procedures and protocol described in "Practical Guide for Ground-Water Sampling," document identification number EPA/600/2-85/104, USEPA; and
 - (2) "RCRA Ground-Water Monitoring Enforcement Guidance," document identification number PB87107751, USEPA.
- (c) The results of all regularly scheduled testing shall be summarized and submitted with the annual report.

Source. #6991, eff 5-5-99

Env-Ws 1609.05 Groundwater Monitoring Wells.

(a) Unless alternative methods, which are equivalent to (1) and (2) below, are approved by the department, monitoring wells shall be designed, installed, and decommissioned in accordance with the practices described in:

- (1) "Standard Practices for Design and Installation of Ground Water Monitoring Wells in Aquifers," American Society for Testing and Materials, Designation: D 5092 - 90, approved June 29, 1990, and published October 1990, readopted - 1995; and
 - (2) "Handbook of Suggested Practices for the Design and Installation of Ground-Water Monitoring Wells," document identification number EPA/600/4-89/034, USEPA, March 1991.
- (b) Monitoring wells shall be:
- (1) Developed prior to sampling; and
 - (2) Allowed to equilibrate a minimum of 2 weeks prior to sampling.

Source. #6991, eff 5-5-99

PART Env-Ws 1610 REQUIREMENTS FOR WAIVERS

Env-Ws 1610.01 Requirements for Waivers.

- (a) The rules contained in this part are intended to apply to a variety of conditions and circumstances. It is recognized that strict compliance with all rules might not fit every conceivable situation.
- (b) Requests for waivers shall be submitted in writing to the department.
- (c) Requests for waivers shall include the following information:
- (1) The name, address and telephone number of the person requesting the waiver;
 - (2) The permit to which the waiver request relates, and its site or facility permit number, if applicable;
 - (3) A specific reference to the section of the rule for which a waiver is being sought and an explanation of why a waiver is necessary;
 - (4) A explanation of the alternatives for which a waiver is sought, with supporting data; and
 - (5) A full explanation of how the alternatives for which a waiver sought:
 - a. Are consistent with the intent of RSA 485-A and RSA 485-C; and

- b. Would provide an equivalent level of protection of human health and the environment.
- (d) The department shall approve a request for a waiver upon finding that:
 - (1) The alternatives proposed are at least equivalent to the requirements contained in these rules;
 - (2) They are adequate to ensure that the provisions of RSA 485-A and RSA 485-C are met; and
 - (3) Human health, safety, and the environment shall be protected.
- (e) No waiver shall be granted which, in the judgment of the department, contravenes the intent of any statute or rule.
- (f) The department shall issue a written response to a request for a waiver within 90 days of receipt of the request.

Source. #6991, eff 5-5-99

APPENDIX

RULE SECTION	STATUTE THE RULE INTENDS TO IMPLEMENT
Env-Ws 1604.02(f)-(h)	RSA 485-A:4, XVI-a
Env-Ws 1604.04(a), (b), (c) & (k)	RSA 485-A:4, XVI-a
Env-Ws 1604.06(c)(5)	RSA 485-A:4, XVI-a
Env-Ws 1604.08(a)-(d) & (g)	RSA 485-A:4, XVI-a
Env-Ws 1607.03	RSA 485-A:4, XVI-a
Env-Ws 1607.09(a) & (b)	RSA 485-A:4, XVI-a
Env-Ws 1608.03	RSA 485-A:4, XVI-a
Env-Ws 1608.08 (f) & (g)	RSA 485-A:4, XVI-a